

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YONG BIAO JI,

Plaintiff,

v.

AILY FOOT RELAX STATION, INC. d/b/a  
Foot Relax Spa Station; LINDA FOOT  
RELAX SPA STATION, INC. d/b/a Foot  
Relax Spa Station; XIANG MAN ZHANG  
a/k/a AILING ZHANG; and KE XUE  
ZHENG,

Defendants.

**ORDER**

19 CV 11881 (VB)

On October 20, 2022, defense counsel moved to withdraw from representing defendants. (Doc. #146). The Court defers ruling on defense counsel's motion at this time.

Local Civil Rule 1.4 provides that "[a]ll applications to withdraw must be served upon the client." Counsel's motion does not indicate whether defendants have been served with his motion. Accordingly, by October 28, 2022, defense counsel shall file proof of service of his motion and this Order on his clients.

**If defendants do not consent, defendants shall have until November 4, 2022, to submit a letter to the Court explaining the basis for their unwillingness to consent.**

By October 28, 2022, plaintiff's counsel shall respond to defense counsel's motion by letter, not to exceed three pages.

Defendants Aily Foot Relax Station, Inc., and Linda Foot Relax Station, Inc., may not appear in federal court without counsel. See Lattanzio v. COMTA, 481 F.3d 137, 139–40 (2d Cir. 2007) (per curiam). Furthermore, a non-attorney cannot act on behalf of a company. See id. As a result, if the Court grants counsel's motion to withdraw, defendants Aily Foot Relax Station, Inc., and Linda Foot Relax Station, Inc., must engage legal representation, or the Court may permit plaintiff to seek default judgments against them.

In addition, if the Court grants counsel's motion, defendants Xiang Man Zhang and Ke Xue Zheng are strongly encouraged, but not required, to retain a new attorney, or must represent themselves in the case going forward, including by preparing the pre-trial submissions described in the Court's July 12, 2022, Order, attending the final pre-trial conference scheduled for January 18, 2023, at 10:00 a.m., in person, and defending themselves during jury selection and trial beginning on January 23, 2023, at 9:30 a.m., in person.

**To be clear, even if the Court grants defense counsel's motion to withdraw, jury selection and trial will begin on January 23, 2023, at 9:30 a.m.** Failure of defendants Aily Foot Relax Station, Inc., and Linda Foot Relax Station, Inc., to appear through an attorney may result in a default judgment against them. Failure of defendants Xiang Man Zhang and Ke Xue

Zheng to appear, either pro se or through an attorney, will not prevent a default judgment or adverse verdict against them.

All other deadlines in this case remain in effect, including defense counsel's obligation to submit a revised joint pre-trial order to plaintiff's counsel that includes the list of exhibits defendants intend to offer by October 24, 2022. (See Doc. #145).

Dated: October 21, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge